

## Chap. 87.

AN ACT supplementary to "an act to provide for the more speedy collection and payment of fines, forfeitures and penalties remaining in the hands of Justices of the Peace," approved February 21, 1850.

Published, May 5, 1854.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Gov. to appoint agents.

§ 1. For the purpose of carrying out the provisions of this act, the governor shall appoint so many agents as he may deem necessary, who shall hold their offices for the term of two years, respectively, unless sooner removed by the governor; and he shall prescribe and from time to time may alter and fix the limits of the districts within which such agents shall respectively act.

Duties of agents.

§ 2. It shall be the duty of each such agent so often as he may have reason to believe it necessary, to call for, demand, and receive, and when necessary to sue for and collect all moneys heretofore paid to or received by any county or town officer, or other person, on account of any fine, penalty, or forfeiture the proceeds of which belong to the school fund or state treasury, and which have not been paid over by such officer or person as required by law, and all moneys which shall be hereafter paid to or received by any such officer or person, and which shall not be paid over within the time required by law. The production by such agent of his appointment, or of a copy thereof, certified by the secretary of state under the seal of the state, shall be *prima facie* evidence of his authority to make such demand.

§ 3. Any officer or person who has heretofore received any moneys specified in section two of this act, and who has failed or shall fail, as the case may be, to

pay over the same as required by law, and who shall fail to pay over the same to any such agent, lawfully demanding the same, shall be deemed to be guilty of an embezzlement thereof, within the meaning of section twenty-six of chapter one hundred and thirty-four of the revised statutes; and it shall be the duty of such agent, forthwith to cause prosecution therefor to be commenced against such delinquent officer or person. All suits and proceedings under this act shall be conducted according to the existing laws in respect to similar suits and prosecutions.

§ 4. Such agent before receiving his appointment shall execute to the state treasurer a bond in such amount and form and with such sureties as the governor may prescribe and approve, conditioned for the faithful performance of his duties under this act, and for the payment of all moneys collected by him into the state treasury. He shall be entitled to retain in full for his services, and all other expenses, thirty per cent. out of the moneys collected by him, and shall pay the balance into the state treasury on the first day of January, April, July, and October in each year; and shall at the same time file with the treasurer a detailed statement, verified by affidavit, showing all the sums so collected by him, the officer or person from whom received, the time of receiving the same, and the person from whom the fine, penalty, or forfeiture was recovered.

§ 5. Every such agent shall have full power and authority to inspect and examine all records or papers of any court or officer concerning the proceedings in any suit instituted for the recovery of any fine, penalty, or forfeiture, or showing the disposition which has been made of any moneys received therefor.

§ 6. This act shall take effect from and after its passage and publication.

Approved, April 3, 1854.